

STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

RECEIVED

JUN 13 2005

HARFORD COUNTY CO

Case No. 5496

Date Filed 06/02/05

Hearing Date

Receipt

Fee

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5496 MAP 38 TYPE Special Exception

ELECTION DISTRICT 04 LOCATION 3254 Fallston Rd., Fallston, 21047

BY Eugene & Ashley Van Pelt

Appealed because a special exception pursuant to Sec. 267-53D(1) and Sec. 267-53H(1) of the Harford County Code to allow commercial vehicle and equipment storage and construction services in the Agricultural District require approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Eugene Van Pelt Phone Number 410-692-9218

Address 3254 Fallston Road, Fallston, Maryland 21047
 Street Number Street City State Zip Code

Co-Applicant Ashley Van Pelt Phone Number 410-692-9218

Address 3254 Fallston Road, Fallston, Maryland 21047
 Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number

Address
 Street Number Street City State Zip Code

Attorney/Representative Lawrence F. Kreis, Jr., Esquire Phone Number 410-879-2222

Address Stark and Keenan, P.A. 30 Office Street, Bel Air, Maryland 21014
 Street Number Street City State Zip Code

Land Description

Address and Location of Property 3254 Fallston Road, Fallston, Maryland 21047

Subdivision N/A Lot Number _____

Acreage/Lot Size 2 acres Election District 04 Zoning AG

Tax Map No. 38 Grid No. 3F Parcel 116 Water/Sewer: Private X Public _____

List ALL structures on property and current use: Home and detached garage

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes X No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

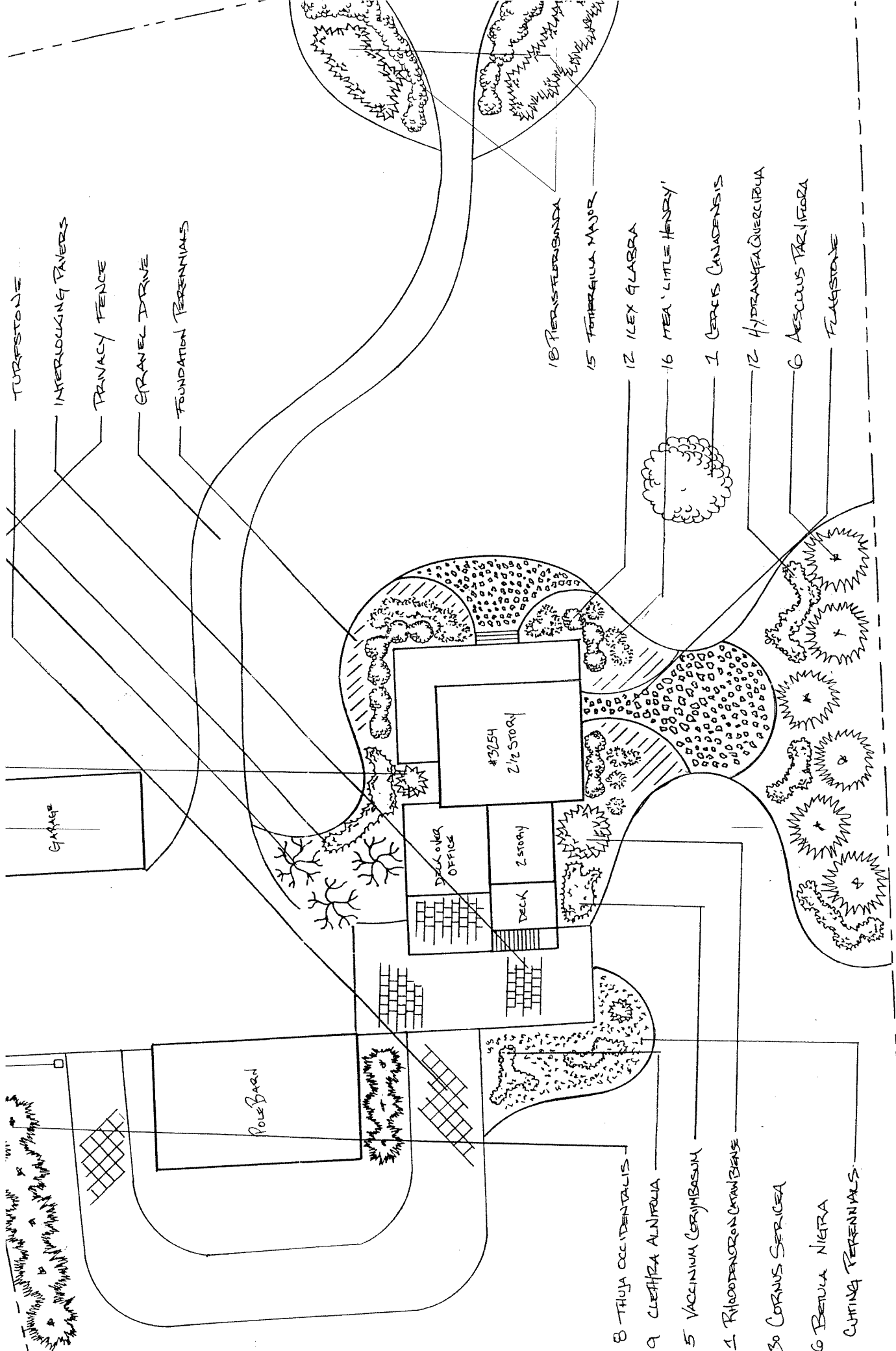
Board of Appeals
3254 Fallston Road, Fallston, Maryland 21047

Request No. 1: A Special Exception pursuant to Section 267-53 (D)(1) to allow commercial vehicle and equipment storage in the Agricultural District (AG).

Justification: The property is zoned AG and is currently improved by a residential home and a detached garage. Ashley Van Pelt, one of the property owners, is the owner of Native Terrain Restoration Services, Inc., which is a business that provides environmental planting services. The office is located in the home and the company has three commercial vehicles which are parked on site. Attached hereto is a plan showing a proposed pole barn and landscaping plan which will insure that the vehicles are stored either entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads. Additionally, the property is 2 acres.

Request No. 2: A Special Exception pursuant to Section 267-53(H)(1) to allow a construction service business in the Agricultural District (AG).

Justification: The property is zoned AG and is currently improved by a residential home and detached garage. Ashley Van Pelt, one of the property owners, is the owner of Native Terrain Restoration Services, Inc., which is a business that provides environmental planting services. The office is located in the home and the company has 3 commercial vehicles which are stored on site. Attached hereto is a plan showing a proposed pole barn and landscape plan which will insure that the vehicles are stored either entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads. Periodically, during planting seasons planting and landscaping materials are stored on site. The lot is 2 acres and with the proposed structure and landscape plan the property owners will easily maintain a buffer yard at least 10 feet wide around the outside storage and parking areas that are adjacent to a residential lot or visible from a public road.



TURFSTONE

INTERLOCKING PAVING

PRIVACY FENCE

GRAVEL DRIVE

FOUNDATION PERENNIALS

GARAGE

Pole Barn

DECK OVER OFFICE

DECK

#3254
2 1/2 STORY

18 PERNIS FLORIDA

15 FOTHERGILLA MAJOR

12 ILEX GLABRA

16 HEA 'LITTLE HENRY'

1 CERCIS CANADENSIS

12 HYDRANGEA QUERCIFOLIA

6 AESCULUS FRATRICIDA

FLAGSTONE

8 THUJA OCCIDENTALIS

9 CLETHRA ALNIFOLIA

5 VACCINIUM CORIMBOSUM

1 RHODODENDRON CANADENSE

30 CORNUS SERICEA

6 BETULA NIGRA

CURING PERENNIALS

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



ANTHONY S. McCLUNE
ACTING DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 6, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5496

APPLICANT/OWNER: Eugene Van Pelt
3254 Fallston Road, Fallston, Maryland 21047

Co-APPLICANT: Ashley Van Pelt
3254 Fallston Road, Fallston, Maryland 21047

REPRESENTATIVE: Lawrence F. Kreis, Jr., Esquire
Stark and Keenan, P.A.
30 Office Street, Bel Air, Maryland 21014

LOCATION: 3254 Fallston Road
Tax Map: 38 / Grid: 3F / Parcel: 116
Election District: Fourth (4)

ACREAGE: 2 acres

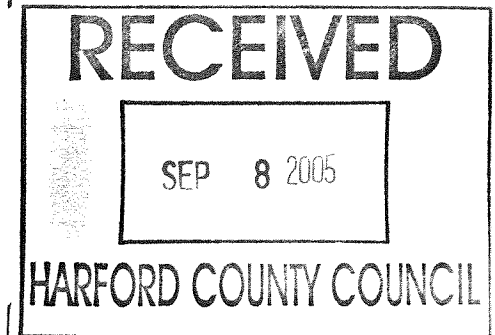
ZONING: AG/Agricultural

DATE FILED: June 02, 2005

HEARING DATE: September 21, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.



Preserving Harford's past; promoting Harford's future

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Board of Appeals Case Number 5496

Eugene and Ashley Van Pelt

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CODE REQUIREMENTS:

The Applicants are requesting a special exception pursuant to Section 267-53D(1) and Section 267-53H(1) of the Harford County Code to allow commercial vehicle and equipment storage and construction services in the Agricultural District.

Section 267-53D(1) of the Harford County Code reads:

D. Motor Vehicle and related services.

- (1) Commercial vehicle and equipment storage and farm vehicles and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:*
 - (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
 - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
 - (c) A minimum parcel area of two (2) acres shall be provided.*

Section 267-53H(1) of the Harford County Code reads:

H. Services. [Amended by Bill No. 97-54]

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code entitled Limitation, Guides and Standards will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the west side of Fallston Road (MD Route 152), just south of Hess Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

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The subject property is located outside of the Development Envelope north of the Rural Village of Upper Crossroads. The predominant land use in this area of the County is Agriculture. There are also large areas of Rural Residential. The Natural Features Map reflects Parks, Sensitive Species Project Review Areas, farms in the Agricultural Preservation Districts and Easements, Maryland Environmental Trust Districts and Easements and Stream Systems. The subject site is designated as Rural Residential, which is defined by the 2004 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The area contains a mix of agricultural uses as well as single family residential developments. The area contains large active farms that include pastureland, cropland and large areas of dense woodland. The topography in this general area of the County ranges from rolling to steep especially near Deer Creek, Littler Gunpowder River and their many tributaries. A topography map along with an enlargement of the aerial photograph is enclosed with the report (Attachments 7 and 8).

The Applicant's property is a rectangular shaped parcel and approximately 2 acres in size. The existing improvements are located approximately 260 feet from Fallston Road. The State owns between 150-feet to 210-feet of right-of-way in the area of the subject lot. The topography of the lot is rolling which is typical for the area. The land slopes gently up from Fallston Road to a point just off of the State right-of-way. It then levels off to the front of the house and then begins to slope down to the rear of the property. There is a wrap around covered porch on the front and right side of the dwelling. Attached to the rear of the dwelling is a deck that partially covers the top of the Applicant's office. The driveway is blacktopped and curves through the front yard and around the right side of the dwelling to a parking area to the rear of the dwelling. To the right of the driveway and the house is a frame 3-car garage. The proposed pole barn would be constructed in the open area behind the driveway to the rear and right of the dwelling as shown on the site plan. There are several very large mature trees to the sides and front of the dwelling. The Applicant proposes to plant additional landscaping around the house, around the proposed pole building and across the rear of the property. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

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Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a special exception pursuant to Section 267-53D(1) and Section 267-53H(1) of the Harford County Code to allow commercial vehicle and equipment storage and construction services in the Agricultural District.

Section 267-53D(1):

D. *Motor Vehicle and related services.*

- (1) *Commercial vehicle and equipment storage and farm vehicles and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*

The subject property is zoned AG/Agricultural.

- (a) *The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

The vehicles and equipment used in the Applicant's business (environmental planting services) are; a Chevrolet Suburban, a GMC Yukon, a Kodiak C-4500 Chevrolet stake body truck and a low boy trailer along with hand tools. Presently these vehicles, the trailer and any equipment used in the business are parked to the rear of the dwelling and/or the garage. The adjacent properties do not meet the definition of adjacent residential lots. The Applicant, however, proposes to plant additional screening and landscaping. If the Special Exception is granted the Applicant intends to construct a building that would house the vehicles, equipment and tools used in the business. The proposed building will not be easily visible from Fallston Road.

- (b) *The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

Not applicable to the request.

- (c) *A minimum parcel area of two (2) acres shall be provided.*

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The property is 2 acres. The property looks larger because the State right-of-way for Fallston Road (MD Route 152) ranges in width from 150 to 200 feet in front of the Applicant's property. The existing dwelling is approximately 260± feet back from the traveled portion of Fallston Road (MD Route 152). The proposed pole building will be approximately 340±-feet back from the road. The proposed request should not have an adverse impact on the adjacent properties.

Section 267-53H(1):

H. Services. [Amended by Bill No. 97-54]

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

The subject property is zoned AG/Agricultural. The adjacent properties do not meet the definition of adjacent residential lots. However, the Applicant proposes to provide additional screening and buffering. If the Applicant receives approval he proposes to construct a pole building to store all of the vehicles, trailer, equipment and hand tools. According to the Applicant, supplies and materials necessary to do the work are sent to the job site.

Section 267-9I:

- (1) The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. The area contains a mix of residential and agricultural uses. Access to the property is from Fallston Road (MD Route 152). The proposed use should not adversely impact individuals living or working in the area.

- (2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Fallston Road (MD Route 152) is a State owned and maintained road and this portion of the road is designated as a minor arterial road on the Harford County Transportation Plan. The Applicant's driveway is just south of the intersection of Hess Road and MD Route 152. Sight distance on Fallston Road (MD Route 152) from the Applicant's driveway is excellent in both directions. The proposed use should not adversely impact traffic in the area.

- (3) The orderly growth of the neighborhood and community and the fiscal impact on the county.*

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The use is permitted in the AG/Agricultural District as a Special Exception with Board of Appeals approval. The proposed pole building for the vehicles and equipment is approximately 340± feet back from the traveled portion of Fallston Road and will not be easily visible from the road. The Applicant proposes to landscape and plant additional screening around the property that will eventually screen the storage area from the adjoining residential uses in the area. The Applicant meets or exceeds the requirements for the intended use. The request will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The number of commercial vehicles and equipment proposed will not have an adverse impact on the community based on the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Fallston Volunteer Fire Department will provide fire protection and emergency service. The property is served by a private well and septic system. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is consistent with generally accepted planning principle and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should have no impact on any of the uses listed in the subsection.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal will have no impacts on the surrounding natural features.

- (10) *The preservation of cultural and historic landmarks.*

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The request should not impact any cultural or historic landmarks.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions.

1. The Applicant shall submit a detailed site plan to be reviewed and approved through the Development Advisory Committee (DAC). The site plan shall include all landscaping and any outside security lighting.
2. The Applicant shall direct all outside security lighting onto the subject property so as not to impact any adjacent property.
3. This approval is for the Applicant only and shall be void when the property is sold.
4. All vehicles and equipment shall be stored within the proposed pole building.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf